

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**ADVANCE
Continuous Improvement Monitoring Process Report 2003**

SEP Reviewer: Michelle Powers, Director, Special Education Programs

Dates of On Site Visit: October 16-17th, 2003

Date of Report: October 20, 2003

This report contains the results of the self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The agency consistently meets this requirement.
Needs Improvement	The agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the agency's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the agency, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Meets requirements

The reviewer identified that the agency does not conduct child find activities. The agency becomes involved in the provision of services upon contact from local school districts. There are no agency students enrolled in private schools. The agency suspension and expulsion policies meet state and federal regulation. The agency has employed fully certified personnel for special education positions.

In Need of Improvement

The goals and objectives for students are not specifically aligned with the South Dakota content standards/ functional standards. In interview, the special education director indicated she was aware of the standards but had not used them for a number of years.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Meets requirements

A review of student files indicates students are provided services in accordance with their IEP/ISP. The agency keeps detailed documentation of services. Progress is shared at monthly meetings, where data on individual goals is updated with all staff. Related services addressed in student individual education programs are provided. The agency comprehensive plan addresses procedures for students who may be suspended or expelled, including the provision of a free appropriate education. The agency has not suspended or expelled a student for more than 10 school days. In interview, staff noted if a student was experiencing difficulty with their placement and following the rules of conduct, a team meeting is convened to address the concerns and adjust the program accordingly.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Meets requirements

The agency conducts comprehensive assessments annually for all individuals at Advance. The evaluations consist of all areas addressed through the agency, such as nutrition, medical, social, community involvement. Baseline data is collected and shared at the annual IEP/ISP meeting, which comprises the required functional assessment for students. This data is utilized in the development of the IEP/ISP.

Out of Compliance

24:05:25:04.03. Determination of eligibility. Upon completing the administration of tests and other evaluation materials as required by this chapter, the individual education program team and other individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, as defined in this article. **The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.** A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of instruction in reading or math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

24:05:25:06. Reevaluations. Reevaluations shall be conducted at least every three years or if conditions warrant or if the child's parent or teacher requests an evaluation. Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents. Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability;
- (2) Determining whether the child continues to need special education and related services; and
- (3) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

If no additional data are needed to determine continuing eligibility, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of services under this article, to determine continuing eligibility. The school district is not required to conduct an assessment unless requested to do so by the child's parents. However, a school district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE.

Advance conducts three-year reevaluations for students in need of special education. Evaluations are conducted, and a meeting is held to discuss the results. The agency, however, does not document the determination of disabling condition which makes the student eligible for special education. In addition, the evaluation team may determine they do not need to complete a full slate of educational assessments to confirm a students continuing eligibility for special education services. The agency does alert parents to the evaluations being planned, however, they do not identify the parents right to still request a full set of assessment regardless of the team's decision.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The agency makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Meets requirements

The agency has procedures within the comprehensive plan which meet the requirements of surrogate parent appointments. Staff provided a student file where a surrogate parent was required. In interview, staff noted if a surrogate is needed, they take effort to secure an individual who is familiar with the student. The agency comprehensive plan has policies and procedures for responding to complaint and due process hearings.

Out of compliance

24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Through a review of student files and interviews with staff, the reviewer found the agency does not provide a complete prior notice to parents/adult students when initiating evaluations and meetings. Currently, a letter is sent to parents indicating evaluations are to be conducted or a meeting is scheduled. The notice does serve to alert parents to the activity, but it does not address all the requirements of giving appropriate prior notice. In addition, the agency does not provide parents with a copy of procedural safeguards at the time notice is given.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Promising Practice

Advance utilizes a mapping process for each student's annual IEP/ISP meeting. The mapping utilizes Person Centered Planning, which is centers the focus of all program planning around the student. The process encourages the student to participate and lead their program planning. Maps are kept from year to year, and updated annually, which promotes consistency.

Meets requirements

The IEP team requirements are being met in a satisfactory manner. The agency invites the appropriate members, soliciting the involvement of the district responsible for the student placed at Advance. Contacts are made with the parents to secure their involvement as well.

Transition plans are developed as a coordinated set of activities based on the transition needs of the student. The special education director conducts vocational evaluations and works directly with job developers in the community to find situations aligned with student interests and abilities.

Out of compliance

24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of educational performance, including:
 - (a) **How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students); or**
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to:
 - (a) **Meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum; and**
 - (b) Meeting each of the student's other educational needs that result from the student's disability;
- (3) A statement of the special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:
 - (a) To advance appropriately toward attaining the annual goals;
 - (b) To be involved and progress in the general curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
 - (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;
- (5) A statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the team determines that the student will not participate in a particular state or district-wide assessment of student achievement (or part of an assessment), a statement of:
 - (a) Why that assessment is not appropriate for the student; and
 - (b) How the student will be assessed;
- (6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;
- (7) A statement of:
 - (a) How the student's progress toward the annual goals described in this section will be measured; and
 - (b) How the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled student's progress of:
 - (i) Their student's progress toward the annual goals; and
 - (ii) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;
- (8) For each student beginning at age 14 or younger if determined appropriate by the placement committee, and updated annually, a statement of the transition service needs of the student under the applicable components of the student's individualized education program that focuses on the student's course of study such as participation in advanced-placement courses or a vocational education program;
- (9) For each student beginning at age 16 or younger, if determined appropriate by the placement committee, a statement of the needed transition services, as defined in § 24:05:27:13.02, including, as applicable, interagency responsibilities or any needed linkages;
- (10) Beginning at least one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority.

Administrative rule requires the present level of performance in the IEP to address how the student's disability affects their progress in the general curriculum. IEP/ISPs seen at Advance do not have a specific correlation to the state standards, upon which general curriculum must be based. Goals seen may potentially be reflective of a functional standard, but staff acknowledge they were not aware of the need to link to the functional standards. This lack of alignment with standards makes assessment via the state alternate assessment (STAARS) problematic, since the STAARS is designed to assess student progress towards meeting state standards. In interview with the special education director, she stated the local school district implements the STAARS, and ADVANCE does not participate in that process.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Out of Compliance

24:05:28:03. Factors in determining placements. Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) Unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
- (4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
- (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

24:05:28:07. Children in public or private institutions. Each school district through its IEP team and individual education program procedures, shall ensure that children placed in public or private institutions or other care facilities are educated with children who are not disabled to the maximum extent appropriate.

Through file reviews and in interview, the reviewer noted that documentation for justification for placement did not address why the team determined the placement was the least restrictive environment. Statements seen reflected the placement at Advance was the best placement for the student. There was no indication of consideration for opportunity to be with and participate in activities with nondisabled peers. Other elements of the student file does address a variety of community experiences which may result in experiences with non-disabled individuals. These activities, however, are unrelated to the determination of placement. In interview, staff related the decision-making process did not address if the placement was the least restrictive setting nor was there much consideration for time with nondisabled peers.

Observation of the program does support individuals are experiencing time with nondisabled peers. In visiting with several persons who attend Advance, they remarked they had plans to attend upcoming holiday activities, as well as noting places they enjoyed visiting and other activities they pursued, such going out for pizza.